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**TITLE 260 STATE DEPARTMENT OF TOXICOLOGY**

LSA Document #00-2(F)

DIGEST

Amends 260 IAC 1.1-5-1 concerning selection criteria for breath test instruments. Effective 30 days after filing with the secretary of state.

**260 IAC 1.1-5-1**

SECTION 1. 260 IAC 1.1-5-1 IS AMENDED TO READ AS FOLLOWS:

**260 IAC 1.1-5-1 Breath test instruments**

**Authority:** IC 9-30-6-5

**Affected:** IC 9-30-6-5

Sec. 1. (a) All breath test instrument models must be selected by the director of the state department of toxicology (department) of the Indiana University School of Medicine prior to their evidentiary use in Indiana. The testing of such instruments must be performed in the department's laboratory. The procedure for evaluation of the instruments must be established by the department and designed to ensure the accurate analysis of breath specimens for the determination of breath or blood alcohol concentrations, or both, relative to traffic law enforcement. To achieve selection under IC 9-30-6-5, a breath test instrument must meet, at a minimum, the following criteria:

(1) The instrument must analyze breath samples and the numerical value it reports shall be expressed as **percent by weight grams** of alcohol ~~in~~ **per**:

**(A)** one hundred (100) milliliters **of the person's** blood; or ~~grams of alcohol per~~

**(B)** two hundred ten (210) liters of **the person's** breath.

(2) The instrument must be capable of calibration for **the** purpose of certification with a known alcohol standard in accord with 260 IAC 1.1-2-1(e) and maintain this calibration during routine breath alcohol testing.

(3) The instrument must be able to analyze a known alcohol reference sample within the limits specified by ~~260 IAC 1.1-2-1(e)~~ **260 IAC 1.1-2-1(e)** [*sic.*, 260 IAC 1.1-2-1(e)] separate from ~~calibration~~ **calibrate** [*sic.*, *calibration*] for certification.

(4) The instrument must be equipped with sufficient features to prevent unauthorized alteration, tampering, or manipulation in order to safeguard the breath sampling process and alcohol concentration analysis.

(b) A list of approved models of breath test instruments shall be distributed as provided by IC 9-30-6-5(b). (*State Department of Toxicology; 260 IAC 1.1-5-1; filed Aug 30, 1994, 1:10 p.m.: 18 IR 11; filed Dec 6, 1998, 1:50 p.m.: 22 IR 976; filed Jan 26, 2001, 9:31 a.m.: 24 IR 1608*)

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